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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,714	03/21/2006	David Lowell McNeely	PU030264	3403
24498 7590 01/06/2010 Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312				
EXAMINER				
SHAI, TANMAY K				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/572,714

**Applicant(s)**

MCNEELY, DAVID LOWELL

**Examiner**

TANMAY K. SHAH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5 - 9, 11, 13 - 17, 19 - 20 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 10, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date \_\_\_\_\_
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/12/09 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1, 9 and 17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 9 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Raphaelli (US 6466613).

Regarding claim 1, A digital radio frequency (RF) transceiver circuit, comprising:

Circuitry (i.e. **switch, Fig. 2**) that is adapted to select between a transmitter input signal and a receiver input signal (i.e. **a switching device, such as an analog switch, performs the switching function of connecting**

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**the filter either to the output of the transmitter during transmission or connecting the filter to the output of the communications medium interface during reception. During transmission, an output amplifier functions to amplify the output of the filter before the communication medium interface couples the signal onto the medium. During reception, the output amplifier is disabled and the signal received from the communications medium interface is filtered and then input to the receiver, col 2, line 38 - 47);**

**a filter (i.e. Tx/Rx filter, 40 of Fig. 2), the filter being adapted to receive both the transmitter input signal and the receiver input signal (i.e. as shown in Fig. 2, the filter receives both transmitter and receiver signal), the filter circuit adapted to produce either a filtered transmitter signal or a filtered receiver signal (i.e. if the filter is in transmitter mode it filters the transmitter signal and if the filter is in receiver mode it filters the received signal); and**

**circuitry that alternatively receives the filtered transmitter signal or the filtered receiver signal and produces a modulated output and a demodulated output (i.e. the transmitter adapted to encode and modulate a transmit signal in accordance with transmit data to be transmitted, a receiver coupled to the host interface, the receiver adapted to decode and demodulate signals received from the communications medium interface so as to yield receive data, col 2, line 55 - 62).**

Regarding claim 9, the transceiver has substantially same limitations as claim 1, thus the same rejection is applicable.

Regarding claim 17, the transceiver has substantially same limitations as claim 1, thus the same rejection is applicable.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3, 8, 11, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raphaeli (6466613) in further view of Beck (**US 2002/01091825**).

Regarding claim 3, Raphaeli teaches claim 1, however does not teach filters are FIR filters.

Beck teaches wherein the plurality of filters comprises finite impulse response (FIR) filters (**i.e. FIR filter, 511 of Fig. 5**).

It would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Raphaeli with Beck. One would be motivated to combine these teachings because they do not cause phase distortion or delay distortion.

Regarding claim 8, Raphaeli teaches claim 1, however does not disclose delay chain in detail.

Beck teaches wherein the receiver input signal is processed with a delay line having a plurality of output delays (i.e. **Fig. 2, N-1 delay elements 201, including delay elements 201-2 through 201-N, page, paragraph 30**), each of the output delays corresponding to one of the plurality of filters (i.e. **output is from delay tap of filters, page 3, paragraph 30**) and wherein each of the plurality of filters has a different delay characteristic that compensates the associated output delay (i.e. **Each symbol of the baseband demodulated received training signal is initially supplied to the first delay element, delay element 201-2, as well as to the first multiplier, multiplier 203-1. For each clock cycle the symbol stored in each delay element is supplied to the next delay element in the delay chain formed by delay elements 201 until delay element 201-N, after which the symbol exits the filter. The symbol stored in each of delay elements 201 is multiplied, using a corresponding one of multipliers 203, by a coefficient value. Additionally, the symbol currently being supplied as an output by demodulator 109 is multiplied by a coefficient using multiplier 203-1. The various products produced by multipliers 203 are summed using adders 205 and an output of the FIR filter is supplied from adder 205-N, page 3, paragraph 30**).

It would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Raphaeli with Beck.

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One would be motivated to combine these teachings because it will provide desired delay to the system which will reduce noise and distortion.

Regarding claim 11, the transceiver has substantially same limitations as claim 3, thus the same rejection is applicable.

Regarding claim 16, the transceiver has substantially same limitations as claim 8, thus the same rejection is applicable.

Regarding claim 19, the transceiver has substantially same limitations as claim 3, thus the same rejection is applicable.

7. Claim 5 – 7, 13 – 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raphaeli (**6466613**) in further view of Webster (**US 2003/0058952**).

Regarding claim 5, Raphaeli teaches claim 1, however does not disclose that the circuit comprises OFDM transceiver.

Webster further teaches wherein the RF transceiver circuit comprises a portion of an orthogonal frequency division multiplexing (OFDM) transceiver (i.e. **In a particular embodiment, a selected one of Binary Phase Shift Keying (BPSK) and Quadrature Phase Shift Keying (QPSK) is used for modulation of the single-carrier segment and orthogonal frequency division**

**multiplexing (OFDM) is used for modulation of the multi-carrier segment of a mixed carrier signal, page 2, paragraph 10).**

It would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Raphaeli with Webster. One would be motivated to combine these teachings because OFDM can transmit more data in same bandwidth.

Regarding claim 6, Raphaeli teaches claim 1, however does not specifically disclose multiplexer.

Webster further teaches wherein outputs from at least a portion of the plurality of filters are delivered as inputs to a multiplexer (**i.e. MUX, 213 of Fig. 2 or 709 of Fig. 7**) that provides the modulated output (**i.e. modulation, page 5, paragraph 40 and page 7, paragraph 52**).

It would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Raphaeli with Webster. One would be motivated to combine these teachings because multiplexer is easy to implement and cheap.

Regarding claim 7, Webster with Beck teaches claim 1.

Webster further teaches wherein the modulated output is processed by a digital-to-analog (D/A) converter (**i.e. DAC, 215 of Fig. 2**) at a frequency four



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times greater than a frequency of a carrier of the modulated output (i.e.

**frequency to DAC is 44MHz and the input is 11MHz, which is four times greater, Fig. 2).**

It would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Raphaeli with Webster. One would be motivated to combine these teachings because in doing so it will provide desired output to system.

Regarding claim 13, the transceiver has substantially same limitations as claim 5, thus the same rejection is applicable.

Regarding claim 14, the transceiver has substantially same limitations as claim 6, thus the same rejection is applicable.

Regarding claim 15, the transceiver has substantially same limitations as claim 7, thus the same rejection is applicable.

Regarding claim 20, the transceiver has substantially same limitations as claim 7, thus the same rejection is applicable.

***Allowable Subject Matter***

5. Claims 2, 4, 10, 12 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 21 and 22 are allowed since it contains all limitations of claims 1 and objected claim 2. (Method and system)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TANMAY K. SHAH whose telephone number is (571)270-3624. The examiner can normally be reached on Mon-Thu (7:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Payne can be reached on 571-272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TANMAY K SHAH/  
Examiner, Art Unit 2611

/David C. Payne/  
Supervisory Patent Examiner, Art Unit 2611